

2011 KENTUCKY GENERAL ASSEMBLY
LOUISVILLE METRO CRIMINAL JUSTICE COMMISSION
LEGISLATIVE SUMMARY OF CRIMINAL JUSTICE/PUBLIC SAFETY BILLS

Updated: March 14, 2011

Bill #	Bill Name	Description	Primary Sponsor	Location
HB 25	Crimes & punishments	Amend KRS to include Assault on an operator or passenger of a taxi, bus or other passenger vehicle for hire within 3rd Degree Assault; increase penalty for menacing and disorderly conduct where the offense was committed against the above individuals.	J. Jenkins	Judiciary
HB 31	DUI	Amend KRS 189A related to DUI to restructure existing penalties from a 4-tiered structure to a 3-tiered structure; expand the look back for prior offenses to 10 years; allow forfeiture of motor vehicles if operator's license had been previously suspended; etc.	M. Harmon	Judiciary
HB 35	Dating Violence	Amend KRS 403.720 to include dating partners among the class of persons allowed to obtain DV protective orders. Limit dating couple to persons 18 years of age or older.	J. Richards	2.1 passed Judiciary; 2.8 Passed House; Senate Judiciary
HB 52	Elder Abuse	Amend KRS 209.990 to provide civil remedy for use against persons convicted of exploitation of an adult; amend KRS 381.280 to include the commission of a felony under Chp. 209 among the offenses that trigger an offender's forfeiture of the right to inherit property from the victim of the offense; create and Elder and Vulnerable Victims trust fund.	J. Jenkins	2.3 passed Health and Welfare; 2.9 Passed House; 3.3 passed Senate Judiciary; 3.4 passed Senate; Delivered to Governor
HB 54	Trusts & Estates	Create a new section of KRS Chp. 209 to prohibit persons convicted of a felony under that chapter from serving in any capacity that has authority over the victim of the offense or the victim's estate. LANGUAGE OF BILL INCLUDED IN AMENDED VERSION OF HB 52 ABOVE	J. Jenkins	2.16 passed Judiciary; 2.18 Passed House amended; Senate Judiciary
HB 58	DUI	Amend KRS to expand definition of "ignition interlock device"; include driving the wrong way on a 4-lane highway to list of factors for triggering aggravated DUI penalties; amend statutes when ignition interlock device is used, establish fund for indigent defendants.	D. Keene	2.2 passed Judiciary; 2.8 Passed House amended; Senate Judiciary
HB 63	Criminal Records	Amend KRS 431.076 to allow a defendant to petition a court to expunge a misdemeanor criminal charge which has been dismissed with prejudice in exchange for a plea of guilty to another offense.	B. Yonts	Judiciary
HB 64	Incarceration	Require DOC to develop cost to incarceration and supervision information; require an acknowledgement of consultation with the cost of incarceration and supervision information prior to acceptance of a felony plea bargain; amend truth in sentencing KRS to require cost of incarceration and sentencing information be included in the sentencing phase of trial.	B. Yonts	Judiciary
HB 69	nursing home deaths	Create KRS to require each long term care facility or hospice facility to report all deaths to the Coroner or ME within 24 hrs; require reporting in cases of resident dying while away from facility; Require Coroner/ME investigation as a coroner's case, police report, or report to Commonwealth's Attorney; create penalties for failure to report; Create KRS to require AG to establish a KY Multidisciplinary Commission on Adult Abuse & Neglect and require death investigations within nursing homes by specialty teams; require training for those involved.	T. Burch	Health & Welfare

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HB 70	Voting Rights	Amend Kentucky Constitution to exclude a convicted felon from the right to vote only until expiration of probation, final discharge from parole or maximum expiration of sentence, submit to voters for ratification or rejection.	J. Crenshaw	2.8 passed Elections, Const. Amds & Intergov. Affairs; 2.10 Passed House; Senate State & Local Government Judiciary
HB 85	Drug Abuse	Create new section of KRS218A to prohibit possession of one gram or more of pure dextromethorphan (or that extracted from solid or liquid form); prohibit sale of products if that is only active ingredient to those younger than 18; require photo ID and signature stating older than 18 and/or secure products depending upon time of day; establish penalties.	F. Steele	
HB 101	Protection of adults	Create a new section of KRS 209 to require Cabinet to establish a registry of persons found to have abused, neglected, or exploited an adult; require an appeal process for persons whom allegations have been substantiated by the Cabinet; prohibit a licensed/certified facility or program from employing a person on the registry; prohibit health care facilities and services and others covered under KRS 216B, 205.5606, 210.795 etc. from being a provider or employing, contracting or accepting as a volunteer someone on the registry.	R. Palumbo	2.10 passed Health & Welfare; 2.17 Passed House amended; Senate Judiciary
HB 104	Drug Offenders	Create a new section of KRS 27A to require AOC to establish a public web site containing information on persons convicted of felony drug trafficking offenses and provide for removal of information under specified circumstances.	R. Nelson	Judiciary
HB 113	deadly weapons	Create new section of KRS 527 to permit persons over 21 who are not prohibited from possessing firearms to carry firearms openly or concealed and specify permitted locations; eliminate crime of carrying a concealed deadly weapon; make other technical changes.	M Harmon	Judiciary
HB 114	Firearms	Create a new section of KRS 500 to require that a firearm used in the commission of a homicide, fetal homicide, or assault against a police officer or firefighter shall be destroyed upon conclusion of the criminal proceeding; establish destruction procedures.	J. Wayne	Judiciary
HB 121	Drugs	Create a new section of KRS Chp. 218A to ban possession, trafficking or manufacture of 3,4-methylenedioxypyrovalerone, the primary ingredient of a drug with a street name "dove"; amend other sections of KRS to conform.	J. Tilley	2.2 passed Judiciary; 2.4 passed House amended; 3.3 passed Senate Judiciary; 3.4 passed Senate; delivered to Governor
HB 123	Status Offenders	Amend KRS 630.050 to require persons filing juvenile status offense complaints provide certain supporting documentation; establish time frames for expiration of valid court orders; restrict the secure detention of status offenders; amend KRS to clarify which agency is to provide dispositional report to the court; etc.	K. Flood	2.9 passed Judiciary; 2.11 Passed House amended; Senate Judiciary
HB 126	Crimes & Punishments	Amend KRS relating to pornography definitions to specify what constitutes lack of consent; specify an alternative disposition in cases of voyeurism, distribution of matter portraying a sexual performance by a minor, etc. where defendant is a minor and it is a first offense; create penalties including fines and community service work programs;	M. King	2.9 passed Judiciary; 2.11 Passed House amended; Senate Judiciary
HB 142	Landlords & Tenants	Create a new section of KRS Chp. 383 to provide that a victim of a domestic violence assault or stalking may terminate their lease or contract on their dwelling if they have a no contact order issued against the perpetrator of the offense who lives in the dwelling.	J. Jenkins	Judiciary

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HB 148	Crimes & Punishments	Amend KRS 500.080 to include loss of consciousness within the definition of physical injury.	M. Denham	Judiciary
HB 164	Adult Guardianship	Create new sections of KRS Chp. 387 to enact the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act as recommended by the National Conference of Commissioners to govern jurisdictional questions and disputes between states in cases concerning guardians and conservators; amend KRS to conform.	M. Marzian	2.9 passed Judiciary; 2.11 Passed House amended; 3.3 passed Senate Judiciary; 3.4 passed Senate; Delivered to Governor
HB 225	School Dropout	Amend KRS to require compulsory attendance for children ages 6-17 by 7-1- 2015; for children ages 6-18 by 7-1-2016; require administration regulations, procedures, etc. Require local schools to track academic progress of students enrolled in alternative education programs; require use of experienced and certified teachers, etc.	J. Greer	2.3 passed Education; 2.10 Passed House amended; Senate Education
HB 227	Criminal History	Provide that any person may request that KSP conduct a background check on that person through a name based or fingerprint search.	M. Cherry	2.17 passed State Government; 2.24 Passed House; Senate Judiciary
HB 233	Criminal Records	Require AOC to publish a web site containing specific information about persons convicted of criminal conduct.	J. Jenkins	Judiciary
HB 235	Sexual Offenses	Amend 510.320 to require a defendant, after probable cause or indictment, at the request of the victim to be compelled to have an HIV test 48 hrs after request.	J. Jenkins	Judiciary
HB 240	Sexual Offenses	Conviction of a felony offense under 510 is an application for a restraining order prohibiting contact with a victim unless victim requests otherwise; provide for hearing; provide for entry into LINK; violation is a Class A Misdemeanor	A. Simpson	Judiciary
HB 242	Thefts	Require Recyclers to obtain proof of ownership or authorization to sell any metal that has been smelted, burned or melted	M. Denham	2.2 Passed Veterans, Military Affairs & Public Safety; 2.11 passed House; 2.15 passed Senate Natural Resources & Energy; 2.28 passed Senate; delivered to Governor
HB 246	Expungement	Allow a person convicted of one Class D felony or series of Class D felonies arising out of a single incident to petition to have felony record expunged under certain circumstances; begin 5 year waiting period for misdemeanor expungement from date of adjudication; etc.	A. Simpson	Judiciary
HB 274	Mental Illness	Amend 532.130 to define "severely mentally ill defendant"; amend KRS to prohibit the execution of a severely mentally ill defendant.	D. Owens	Judiciary
HB 281	Controlled Substances	Amend KRS 218A.110 to make ephedrine, pseudoephedrine, and phenylpropanolamine or their salts, isomers, and salts of isomers a Schedule IV controlled substance; etc.	L. Belcher	Judiciary
HB 292	Death Penalty	Abolish the death penalty and require court to sentence person to imprisonment of life without parole or probation	T. Burch	Judiciary
HB 295	Controlled Substances	Require AOC to report information of defendants convicted of offenses relating to controlled substances and thefts of anhydrous ammonia; prohibit some individuals from purchasing ephedrine; etc.	B. Yonts	Judiciary

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HB 297	Status Offenders	Allow peace officer to release a truant child to child's school; allow peace officer to detain a truant child;	K. Bratcher	Judiciary
HB 308	Nat. Background Check System	Establish a procedure where a person who has been declared a mental defective and committed to a mental institution can obtain relief from disability for prohibition of firearm possession by National Instant Criminal Background Check system; Require KSP to transmit SS#, DOB and copy of commitment order to system; require KSP to destroy info if relief from disability is granted; etc.	R. Damron	2.9 passed Judiciary; 2.14 passed House amended; 2.25 Senate Judiciary; 3.3 passed Senate; 3.4 Delivered by Governor
HB 328	DUI	Amend KRS 189A.010 to subject a person who commits a subsequent DUI while a charge for a prior DUI is pending to sentencing as an aggravated DUI offender	T. Moore	Judiciary
HB 351	Duty to Another	Amend KRS to provide each person has a duty to render emergency care to certain individuals; provide immunity from civil liability; Provide that a person has a duty to report known felony conduct and discovery of dead body; etc.	H. Collins	Judiciary
HB 431	Parole Board	Create new division of Parole & Victim Services in DOC; abolish Ex. Dir. Of Parole Board position; Repeal & reenact KRS 439.562 to establish the KY Council for Interstate Adult Offender Supervision and define its membership and duties.	M. Cherry	2.17 passed State Government; 2.23 Passed House amended; 2.28 Senate State & Local Government
HB 446	Custody	Create a new crime of Failure to Return to Custody when a prison on a community service or work program fails to return to custody; set penalties; amend Escape statutes to prohibit conviction for both escape and failure to return to custody	T. McKee	Judiciary
HB 463	Criminal Justice	Omnibus criminal justice legislation which creates new definitions related to sentencing and controlled substances, removes enhancements for some offenses, Amends quantities needed for Trafficking in a controlled substance (1st-3rd Degree); Amends Possession of a controlled substance; requires pretrial release for an offense for which conviction may result in presumptive probation; Deferred prosecution for 1st & 2nd Degree possession; Develop treatment programs; Require DOC to calculate and document fiscal savings including annual analysis; fiscal savings shall be used soley for expanding & enhancing treatment programs; Amends PFO; requires use of risk and needs assessments at various stages of CJS; Mandatory re-entry supervision; Permits DOC to place nonviolent, nonsexual Class D felons who have received sentences greater than 5 years to serve remainder of sentences in jail lonce they have less than 5 years remaining; Requires citations rather than arrests for selected misdemeanors; DOC required to consult with AOC to develop system of graduated sanctions for technical probation violations; Authorizes pilot projects with a goal of seeking alternatives to incarceration; Develops pilot probation projects; etc.	J. Tilley	2.16 passed Judiciary; 2.27 passed House amended; 2.24 passed Senate Committee on Committees amded; 2.28 passed Senate; Signed by Governor
HB 493	Protective Orders	Amend KRS to provide that if the adverse party has been served with a summons, the hearing may be continued beyond the 14 day period if the parties are in agreement; but hearing shall occur no later than 6 months from the initial scheduled hearing	J. Tilley	2.23 Passed Judiciary; 2.25 passed House amended; Senate Judiciary

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HCR 42	Domestic Violence	Direct LRC to create the Task Force on Children Exposed to and Affected by DV; require report to be submitted to LRC by 12-31-11	J. Jenkins	2.15 passed Health & Welfare; Floor Amds filed; recommitted to Health & Welfare
SB 22	Assault	Amend Assault in the 3rd Degree to make assaulting a physician, physician's assistant, nurse, nurse practitioner, certified registered nurse anesthetist, respirator therapist, laboratory technical, radiology technician, or social worker providing services in the emergency room of a hospital a class D Felony; amend KRS relating to terroristic threatening in the 2nd Degree to include persons above and EMS person a Class D felony.	J. Schickel	Judiciary
SB 23	Personal Care Services	Amend KRS 216.710 to add a Class A Misdemeanor to the definition; add the nurse aide abuse registry to the definitions; require a check of the nurse aide abuse registry; prohibit employment of persons listed on the nurse aide abuse registry; require annual criminal background checks and nurse aide abuse registry checks.	D. Harper Angel	Judiciary
SB 26	ID Cards	Establish \$4 charge for person ID card issue to a person without a fixed, permanent address; allow ID cards to be valid for one year from date of issuance.	T. Buford	2.17 passed Judiciary; 2.28 Passed Senate; 3.2 passed House Transportation; 3.2 passed Senate Transportation; 3.3 Passed Senate; Delivered to Governor
SB 44	Employment	Amend KRS 216.789 to prohibit employment by a long term care facility, nursing facility, or an assisted living community of all persons convicted of a felony offense related to theft, abuse or sale of illegal drugs, abuse, neglect or exploitation of an adult or a sexual crime.	T. Buford	Judiciary
SB 45	Controlled Substances	Amend KRS 218A.110 to make ephedrine, pseudoephedrine, and phenylpropanolamine or their salts, isomers, and salts of isomers a Schedule IV controlled substance; amend KRS 218A.180 relating to dispensing and prescriptions by practitioners to prohibit a practitioner from dispensing more than 9 grams of these drugs to ultimate user in a 30 day period; prohibit a prescription for more than 9 grams of product, prohibit refilling a prescription prior to the expiration of 30 days from the prior prescription; repeal KRS 218A.1446 relating to over the counter sales of ephedrine, pseudoephedrine, and phenylpropanolamine.	T. Jensen	2.3 passed Judiciary;
SB 49	Dating Violence	Amend KRS 403.720 to include persons in dating relationships within the coverage of Kentucky's domestic violence laws.	D. Harper Angel	Judiciary
SB 57	Shock Probation	Amend KRS 439.265 to prohibit shock probation if the defendant has been convicted of either manslaughter or reckless homicide and also received a conviction for DUI arising from the same incident.	R. Jones II	Judiciary

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SB 106	Controlled Substances	Require AOC to report information relating to defendants convicted of offenses relating to methamphetamine and thefts of anhydrous ammonia; Institute a precursor block list as part of meth tracking system to block persons convicted of offenses stated above from purchasing ephedrine, etc.	J. Rhoads	Judiciary
SB 108	Courts	Amend KRS for jurisdiction of District Court civil cases to increase jurisdiction from \$4,000 to \$5,000; Amend KRS relating to small claims division of District Court increasing jurisdiction from \$1,500 to \$2,500	J. Higdon	2.17 passed Judiciary; 2.23 Passed Senate; 3.1 passed House Judiciary; 3.3 Passed House; Delivered to Governor
SB 129	Controlled Substances	Ban possession, trafficking or manufacture of 3,4 methylenedioxypyrovalerone and two related chemicals which are primary ingredients of a drug known as "dove"	W. Blevins Jr.	Judiciary
SB 159	Expungement	Allow a person convicted of one Class D felony or series of Class D felonies arising out of a single incident to petition to have felony record expunged under certain circumstances;	R. Jones II	Judiciary
SB 161	Criminal Justice	<i>SAME AS HB 463 ABOVE</i>	T. Jensen	Senate Judiciary; Floor Amnds filed